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By: **St. Mary's County Delegation**  
Introduced and read first time: February 13, 2004  
Assigned to: Ways and Means

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Committee Report: Favorable with amendments  
House action: Adopted  
Read second time: March 26, 2004

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CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **St. Mary's County - Impact Fees - Exceptions**

3 FOR the purpose of authorizing the County Commissioners of St. Mary's County to  
4 waive, defer, or provide for the amortization of building impact fees under  
5 certain circumstances; limiting to a certain amount the total amount of building  
6 impact fees the county may waive, defer, or amortize in any fiscal year;  
7 providing for the termination of this Act; and generally relating to impact fees  
8 on new construction in St. Mary's County.

9 BY repealing and reenacting, with amendments,  
10 Article 25 - County Commissioners  
11 Section 10D-1  
12 Annotated Code of Maryland  
13 (2001 Replacement Volume and 2003 Supplement)

14 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
15 MARYLAND, That the Laws of Maryland read as follows:

16 **Article 25 - County Commissioners**

17 10D-1.

18 (a) The County Commissioners of St. Mary's County may raise the building  
19 permit fees up to two percent of the cost of any new construction of any living units  
20 built in St. Mary's County, or prebuilt and brought into St. Mary's County; the  
21 building permit fees shall be set by the County Commissioners in December of each  
22 year.

1 (b) (1) Subject to [paragraph] PARAGRAPHS (2) AND (3) of this subsection,  
2 the County Commissioners of St. Mary's County may require every person, firm,  
3 partnership, corporation, or other legal entity which submits its property plans for  
4 approval to the planning commission of St. Mary's County (or the appropriate  
5 approving authority) to pay a fixed sum as set by the County Commissioners to  
6 defray the additional cost for additional public facilities as required by local ordinance  
7 or resolution.

8 (2) By ordinance, the County Commissioners of St. Mary's County may  
9 enact an exemption to the building impact fee imposed under paragraph (1) of this  
10 subsection for the first 3 lots, in a minor subdivision, that:

11 (i) Were recorded after June 1, 2000 and created from a parcel of  
12 record or a lot of record; and

13 (ii) Transferred to a natural, direct lineal descendant, or a legally  
14 adopted son, daughter, grandson, or granddaughter.

15 (3) (I) SUBJECT TO SUBPARAGRAPHS (II) AND (III) OF THIS  
16 PARAGRAPH FOR EACH FISCAL YEAR, THE COUNTY COMMISSIONERS OF ST. MARY'S  
17 COUNTY MAY:

18 1. WAIVE THE BUILDING IMPACT FEE IMPOSED UNDER  
19 PARAGRAPH (1) OF THIS SUBSECTION FOR UP TO 50 NEWLY CONSTRUCTED LIVING  
20 UNITS, EXCLUDING MOBILE HOMES; AND

21 2. DEFER OR PROVIDE FOR THE AMORTIZATION OF THE  
22 BUILDING IMPACT FEE FOR UP TO 100 NEWLY CONSTRUCTED LIVING UNITS,  
23 EXCLUDING MOBILE HOMES.

24 (II) THE COUNTY COMMISSIONERS MAY WAIVE, DEFER, OR  
25 AMORTIZE THE BUILDING IMPACT FEE ONLY FOR NEWLY CONSTRUCTED LIVING  
26 UNITS THAT ARE DEEMED TO BE AFFORDABLE FOR INDIVIDUALS WHOSE  
27 ~~HOUSEHOLD~~ FAMILY INCOME IN THE PREVIOUS FISCAL YEAR WAS LESS THAN 50  
28 PERCENT OF THE COUNTY MEDIAN ~~HOUSEHOLD~~ FAMILY INCOME AS REPORTED BY  
29 THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT.

30 (III) 1. A WAIVER, DEFERRAL, OR AMORTIZATION SHALL BE  
31 LIMITED TO NEW CONSTRUCTION OF LIVING UNITS NOT EXCEEDING A CERTAIN  
32 SQUARE FOOTAGE AS DETERMINED BY THE COUNTY COMMISSIONERS OF ST. MARY'S  
33 COUNTY.

34 2. THE AMOUNT OF BUILDING IMPACT FEES WAIVED,  
35 DEFERRED, OR AMORTIZED UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH MAY  
36 NOT EXCEED \$675,000 IN ANY FISCAL YEAR.

37 (IV) THE TOTAL AMOUNT OF BUILDING IMPACT FEES WAIVED,  
38 DEFERRED, OR AMORTIZED SHALL BE REFLECTED IN THE ST. MARY'S COUNTY  
39 ANNUAL OPERATING BUDGET FOR THE FISCAL YEAR IN WHICH THE WAIVER,  
40 DEFERRAL, OR AMORTIZATION IS GRANTED.

1 (c) The income derived from subsections (a) and (b) shall be used to defray the  
2 additional cost to St. Mary's County for additional educational, water, sewerage, road,  
3 sanitation, SOLID WASTE, PARK, or similar facilities.

4 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
5 July 1, 2004. It shall remain effective for a period of 2 years and, at the end of June  
6 30, 2006, with no further action required by the General Assembly, this Act shall be  
7 abrogated and of no further force and effect.